## INDEX


| | Page |
|---|---|
| Opinions Below | 2 |
| Jurisdiction | 2 |
| Questions Presented, First Case | 2 |
| Questions Presented, Second Case | 3 |
| Statute Involved | 4 |
| Preliminary Statement | 5 |
| Statement of the First Case | 6 |
| Argument, First Case | 13 |
| Statement of the Second Case | 25 |
| Argument, Second Case | 34 |
| Conclusion | 48 |

APPENDIX:

| | |
|---|---|
| Opinion of the United States Court of Appeals for the Sixth Circuit | 1a |
| Judgment filed August 1, 1955 | 20a |
| Judgment filed August 1, 1955 | 21a |
| Order denying Petition for Rehearing | 22a |
| Memorandum on Petition for Rehearing | 23a |


## CASES CITED


*Adams* v. *Nagle*, 303 U.S. 532 ..... 15
*Armour & Co.* v. *Alton RR.*, 312 U.S. 195 ..... 44
*Baldwin* v. *Iowa State Traveling Men's Ass'n*, 283 U.S. 522 ..... 39
*Callanan Road Improvement Co.* v. *United States*, 345 U.S. 507, 512, 513 ..... 15, 24
*Chicot County Drainage District* v. *Baxter State Bank*, 308 U.S. 371 ..... 39
*Federal Power Commission* v. *Colorado Gas Company*, 99 L. ed. (Advance p. 401) ..... 14, 24


DEC 24 1957

236734

Page

*Federal Power Commission* v. *Hope Natural Gas Co.*, 320 U.S. 591, 618 ..... 36
*Federal Power Commission* v. *Mobile Gas Service Corp.*, No. 31, October Term, 1955 ..... 21
*Federal Power Commission* v. *Natural Gas Pipeline Co.*, 315 U.S. 575, 584 .....19, 21, 23
*Federal Power Commission* v. *Sierra Pacific Power Co.*, No. 51, October Term, 1955 ..... 21
*Great Northern Railway Co.* v. *Merchants Elevator Co.*, 259 U.S. 285, 291 ..... 45
*Illinois Commerce Commission* v. *Thomson*, 318 U.S. 675 ..... 44
*Lerman* v. *Fruit Processors*, 191 F. 2d 349 ..... 31
*Michigan Consolidated Gas Co.* v. *Federal Power Commission*, 167 F. 2d 264 .....12, 16
*Michigan Consolidated Gas Co.* v. *Federal Power Commission*, 3d Cir., 203 F. 2d 895, 901 ..... 16
*Michigan Consolidated Gas Co.* v. *Panhandle Eastern Pipe Line Co.*, E.D. Mich., Sept. 17, 1948, 80 F. Supp. 27, *affirmed* 173 F. 2d 784, 790 ....30, 31, 37, 38, 40, 41, 48
*Mobile Gas Service Corp.* v. *United Gas Pipe Line Co.*, 215 F. 2d 883 ..... 21
*Montana-Dakota Utilities Co.* v. *Northwestern Public Service Commission*, 341 U.S. 246, 251-2 .....18, 46, 47
*Ohio & Mississippi Ry. Co.* v. *McCarthy*, 96 U.S. 258... 31
*Pacific Gas & Electric Co.* v. *Sierra Pacific Power Co.*, No. 53, October Term, 1955 ..... 21
*Panhandle Eastern Pipe Line Co.* v. *Federal Power Commission*, 324 U.S. 635 ..... 6
*Partmar Corp.* v. *Paramount Theatres Corp.*, 347 U.S. 89 ..... 39
*Phillips Petroleum Co.* v. *Federal Power Commission*, Nos. 5095, 5096, November Term, 1955, U.S. Court of Appeals for the Tenth Circuit ..... 18
*Reconstruction Finance Corp.* v. *Lightsey*, 4th Cir., 185 F. 2d 167, 169 ..... 15
*Securities & Exchange Commission* v. *Central-Illinois Security Corp.*, 338 U.S. 96, 143 ..... 15
*Shannahan* v. *United States*, 303 U.S. 596, 599 ..... 36
*Sierra Pacific Power Co.* v. *Federal Power Commission*, 223 F. 2d 605 ..... 21

Page

*Stanley* v. *Board of Supervisors*, 121 U.S. 535, 550 .... 15
*Stoll* v. *Gottlieb*, 305 U.S. 165 ..... 39
*United Gas Pipe Line Co.* v. *Mobile Gas Service Corp. and Federal Power Commission*, No. 17, October Term, 1955 ..... 21
*United States* v. *Atlanta B. & C. RR.*, 282 U.S. 522, 524, 527 ..... 36
*Yakus* v. *United States*, 321 U.S. 414, 429 ..... 15

## STATUTES

15 U.S.C., Sec. 717c(c) ..... 17
15 U.S.C., Sec. 717c(d) ..... 17
15 U.S.C., Sec. 717d(a) .....4, 12
15 U.S.C., Sec. 717m ..... 40
15 U.S.C., Sec. 717r ..... 38
15 U.S.C., Sec. 717r(b) .....13, 40
15 U.S.C., Sec. 717s ..... 40
15 U.S.C., Sec. 717u ..... 5
28 U.S.C., Sec. 1254(1) ..... 2